

TOWN OF KITTY HAWK, NORTH CAROLINA

CODE SECTION / ORDINANCE CRIMINAL PENALTY LISTING

*The following table sets forth municipal code sections, violations of which impose a criminal penalty under G.S. 14-4(a), explicitly or implicitly. This listing excludes provisions imposing **only** civil (not criminal) fines and penalties. (See the note, at the end of the final page, concerning the town code general penalty.)*

CODE SECTION / ORDINANCE	DESCRIPTION OF CONDUCT	PENALTY
4-1	Failure to register dog	Misdemeanor; \$50 fine
4-2	Dog must be restrained	Misdemeanor; \$50 fine
4-3	Failure to restrain dogs on beach; failure to remove dog feces	Misdemeanor; \$50 fine
4-4	Failure to satisfy requirements of having dog in public dog park	Misdemeanor; \$50 fine
4-5	Failure to satisfy requirements for keeping horses	Misdemeanor; General Penalty by default
4-14	Failure to satisfy feral cat caregiver requirements	Misdemeanor; \$50 fine
4-15	Failure of caregiver to notify authorities of intent to withdraw	Misdemeanor; \$50 fine
4-17	Failure of caregiver to notify authorities when feral colony cats are missing	General Penalty applies by default
4-18	Failure of caregiver to cure nuisance	Misdemeanor; \$50 fine
4-20	Harassment of compliant caregivers and feral cat colonies	Misdemeanor; \$50 fine

4-21	Failure of owners to meet obligations for care of domesticated cats	Misdemeanor; \$50 fine
6-1	Failure to satisfy requirements by surfers	Class 3 misdemeanor; \$250 fine if adult
6-2	Unlawful launch of engine-powers personal watercraft	Class 3 misdemeanor; \$250 fine
6-23	Unlawful vehicle operation on beach	General Penalty by default
6-24	Unlawful fire on beach	General Penalty by default
8-59	Unlawful wrecking or demolition of building	General Penalty
10-21	Violation of emergency declaration's prohibition or restriction	Class 2 misdemeanor according to G.S. 14-288.20A
12-24	Damaging of sand dunes	General Penalty by default
12-58	Knowingly undertaking devpt requiring minor dvpt permit, without permit	Misdemeanor, fine of \$100-1,000, max 60-day imprisonment, or both
14-65	Violation of conditions of grant of variance, or of special exception	\$500 max fine, max 30-days imprisonment, or both, per Code § 14-36
14-89	General standards for flood hazard reduction; violation	\$500 max fine, max 30-days imprisonment, or both per § 14-36
14-90	Specific standards for flood hazard reduction; violation	\$500 max fine, max 30-days imprisonment, or both per § 14-36
14-91	Construction standards in Coastal high hazard areas	\$500 max fine, max 30-days imprisonment, or both
16-1	Unlawful sale of goods on public property	Misdemeanor, General Penalty by default
18-2	Noise violations	General Penalty by default
18-3	Public urination	General Penalty by default

18-4	Glass containers in certain areas	General Penalty by default
18-5	Unlawful motor vehicle operation on private property	General Penalty by default
18-6	Prohibited firearms discharge	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-7	Concealed handguns on town properties	General Penalty by default
18-8	Prohibited aircraft operations	Max \$50 fine
18-9	Obstructing town paths, sidewalks, driveways, etc.	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-10	Prohibited acts re public demonstrations	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-12	Prohibited solicitation in streets and on medians	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-14	Unlawful crossing of police and emergency lines	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-15	Obstruction of public passage	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-16	Unlawful distribution of advertising materials in certain areas	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-17	Unlawful posting of advertising materials	Misdemeanor; max \$500 fine or max 30 days imprisonment
18-18	Obstruction of fire hydrants and fire dept connections	General penalty in § 1-5
18-19	Unlawful use of sky lanterns	Default to general penalty
18-20	Prohibited open air camping	Misdemeanor; ma \$500 fine or max 30 days imprisonment
18-21	Sale of certain alcoholic beverages on Sunday mornings	Default to general penalty
20-2	Riding skateboard in prohibited area	Default to general penalty

20-23	Speed limits	Default to general penalty
20-24	Speed limits on state roads	Default to general penalty
20-25	Stop sign violation	Default to general penalty
20-27	Truck through-zones	Default to general penalty
20-28	Cutting corners	Default to general penalty
20-29	Prohibited operation of all-terrain vehicles	Fine of \$50 for first offense, \$100 for second offenses
20-30	Motor vehicle operation prohibited in certain areas	Misdemeanor; max \$50 fine
22-21	Violation of Chap. 22, Art. II (Abandoned vehicles)	Misdemeanor
22-52	Unlawfully abandoned or junked (nuisance) vehicle	\$150 per day penalty
22-81	Prohibited placement of abandoned or junked vehicle	\$150 per day penalty
22-117	Conditions declared public nuisances	Penalty per G.S. 14-4
24-53	Windgrass Circle Park and path regulations	Default to general penalty
24-54	Sandy Run Park regulations	Default to general penalty
24-55	David Paul Pruitt, Jr. Park regulations	Default to general penalty
30-79	Failure to allow inspection of sexually oriented business	§ 1-5 General penalty

30-80	Location and distance requirements of sexually oriented business	§ 1-5 General penalty
30-81	Posting of license required	Default to general penalty
30-82	Sexually oriented business permissible hours of operation	General penalty
30-110	SOB operational requirements and premises requirements	General penalty
30-111	Prohibited conduct on SOB premises	General penalty
30-112	Unlawful exterior displays from SOB establishment	General penalty
30-113	Certain sexually oriented businesses explicitly prohibited	General penalty
32-4	Mandatory standard for land-disturbing activity	Class 2 misdemeanor, max \$5,000 fine per G.S. § 113A-64
32-5(j)	Initiating land-disturbing plan before notifying agency	Class 2 misdemeanor, max \$5,000 fine
32-5(o)	Failure to file plan, conducting land disturbing activity not according to approved plan	Class 2 misdemeanor, max \$5,000 fine
32-67(b)	Willful resistance, delay, or obstruction of inspection of activity	Class 2 misdemeanor, max \$5,000 fine
34-1	Littering	Default to general penalty, § 1-5
36-3	Encroachment on right-of-way	General penalty
36-116	Obstructing streets by assembling without parade permit	General penalty
38-6	Noncompliance with subdivision chapter requirements	General penalty by default
42-4	Noncompliance of building or land with zoning chapter provisions	Class 3 misdemeanor, max \$500 fine; see § 42-301(3)
42-225	Violation of Kitty Hawk Woods district regulations	General penalty, § 1-5

42-252	Violation of BC-3 District regulations re fire lanes	Misdemeanor; default to General Penalty
42-273	Violation of VR-1 District regulations	General Penalty, § 1-5
42-301(3)	Criminal penalty, Class 3 misdemeanor max \$500 fine for any zoning ord violation <i>unless otherwise specified</i>	
42-362	Prohibited use in marine habitat and estuarine water district	General Penalty, § 1-5
42-387	False certification that septic/water/sewer/utility system constructed with approved plan and specifications	Misdemeanor
42-418	Planned commercial devt; false certification that septic and other systems were constructed according to approved plans and specifications	Misdemeanor

Note re (Criminal) General Penalty in Town Code

Code section 1-5(c) provides a default general penalty of a maximum \$50 fine or imprisonment up to 30 days.

Code section 1-5(a) provides:

(a) In this section, the term "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.